

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONNIE L. HICKS,

Plaintiff,

v.

DIRECTOR OF NAVOS,

Defendant.

CASE NO. 2:23-cv-01243-JLR-BAT

**ORDER GRANTING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS WITH
COLLECTION ONLY IF
CRIMINALLY CONFINED**

Plaintiff filed a § 1983 prisoner civil rights complaint alleging he is confined at the “Navos House.” The Court, having reviewed plaintiff’s application to proceed *in forma pauperis*, hereby finds and ORDERS as follows:

- (1) The Court GRANTS plaintiff’s application to proceed *in forma pauperis* (Dkt. 1).
- (2) **If Plaintiff is a prisoner and confined as a result of a criminal matter or judgment**, then under 28 U.S.C. § 1915, the agency having custody of the above-named plaintiff is directed to calculate an initial partial filing fee equal to 20 percent of the greater of either: (a) the average monthly deposits to the prisoner’s account; or (b) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the date of this Order. The initial partial filing fee should be forwarded to the Clerk of Court as soon as practicable.

ORDER GRANTING APPLICATION TO PROCEED IN
FORMA PAUPERIS WITH COLLECTION ONLY IF
CRIMINALLY CONFINED - 1

1 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency having
2 custody of the prisoner is directed to collect and forward payments equal to 20 percent of the
3 prisoner's preceding month's income credited to the prisoner's account. In the event that the
4 monthly payment would reduce the prisoner's account below \$10.00, the agency should collect
5 and forward only that amount which would reduce the prisoner's account to the \$10.00 level.
6 Please note that this \$10.00 limit does not apply to the initial partial filing fee described above.
7 Finally, the monthly payments should be collected and forwarded to the Court until the entire
8 filing fee (\$350.00) for this matter has been paid.

9 (3) **If Plaintiff is not confined due to a criminal matter or conviction**, then he is
10 not deemed a "prisoner" and the filing fee provisions of 28 U.S.C. § 1915 do not apply to him
11 and the agency holding him shall not collect and forward payments to the clerk of the court.

12 (3) The Clerk is directed to send a copy of this Order to plaintiff, to the financial
13 officer of this Court, and to the agency having custody of plaintiff.

14 DATED this 30th day of August, 2023.

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16 
17 BRIAN A. TSUCHIDA
United States Magistrate Judge